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Patent and Trademark Office

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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08/992,150 12/17/97 MODI

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EXAMINER

DAVID EDWARDS
HERCULES INCORPORATED
INTELLECTUAL PROPERTY SECTION
HERCULES PLAZA
WILMINGTON DE 19894-0001

WEBMAN, E

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| ART UNIT | PAPER NUMBER |
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1617

14

DATE MAILED:

12/13/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action SummaryApplication No.
08/992150Applicant(s)
MODExaminer
WEBMANGroup Art Unit
1617**—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—****Period for Reply**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

Responsive to communication(s) filed on 9/6/00.

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

Claim(s) 1-3 C is/are pending in the application.

Of the above claim(s) 10, 12, 13, 15-18, 20-33 is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-9, 11, 14, 19 is/are rejected.

Claim(s) _____ is/are objected to.

Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- Se the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on _____ is approved disapproved.
- The drawing(s) filed on _____ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - All
 - Some*
 - None of the CERTIFIED copies of the priority documents have been
 - received.
 - received in Application No. (Series Code/Serial Number) _____.
 - received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). 4 Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892 Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

Office Action Summary

Art Unit: 1617

Applicant's election with traverse of liquid soap, HEC, Cetyl and water in Paper Nos. 11 and 13 is acknowledged. The traversal is on the ground(s) that no burden is shown. This is not found persuasive because for an election of species such a showing is not required.

Applicants can overcome the requirement by stating on the record that the species are equivalent..

The requirement is still deemed proper and is therefore made FINAL.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 11, 19, 34-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Goddard.

Goddard teaches the cellulose of Landoll '277 (column 2, lines 33-35). A composition comprising water and the celluloses are disclosed (column 4, lines 53-56). Surfactants are disclosed (column 5, lines 1-8). Cleansers are specified (Abstract). Soaps are disclosed (column 5, line 7). Applicants attempt to distinguish "household product" from "personal care product". However the claimed liquid soap is well known as a personal care product, even to the layman.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 1617

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 11, 19, 34-326 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landoll.

Landoll teaches cellulose ethers modified with C10-C24 alkyl groups (abstract).

Hydroxy ethyl cellulose is specified (column 2, lines 4-13). A composition comprising water and surfactant is specified (column 6, example 25).

A shampoo is disclosed (example 25 column 6).

It would have been obvious to one of ordinary skill to make a shampoo comprising a nonionic cellulose ether in view of Landoll.

As to the claimed liquid soap, it is well-known, even to the layman, that there are items of commerce labeled as useful as both a liquid soap or shampoo.

Claim 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goddard and Landoll as applied to claims 1-9, 11, 19, 34-36 are above, and further in view of Bolich '658.

Goddard and Landoll are discussed above.

Bolich '658 teaches the thickeners of Landoll '277 (column 4, lines 35-44). Water is disclosed (column 6, lines 19020). Surfactants are disclosed at less than 1% (column 8, lines 8-19). Rheological aids, including certain salts, are specified (column 6, lines 47-61).

Art Unit: 1617

It would have been obvious to one of ordinary skill to add salts to the compositions of Goddard and Landoll to achieve the beneficial effect of a thickener in view of Bolich '658.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

"Viscositying" is indefinite it is not present in the English language. Applicants provide no definition of the term, but merely allude to its meaning in argument.

The disclosure is objected to because of the following informalities: on page 7 line 6, "viscositying" is indefinite. See above.

Appropriate correction is required.

The last sentence on page 1 is incomplete.

The Hercules trade literature cited by Bolich '658 in column 2, lines 26-27 is requested by the examiner. The literature cited clearly ^d Discloses the claimed liquid soap, according to ^{reference} Bolich. Thus, the ¹ appears to be close art. The address of Applicant's representative, namely Hercules, strongly suggests that applicant's representative has access to this reference.

No claims allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J. Webman, whose telephone number is (703) 308-4432. The examiner can normally be reached on M-F from 9:00 a.m. to 5:00 p.m.

Art Unit: 1617

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, M. Moezie, can be reached on (703) 308-0570. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3592.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

E. Webman:jmr

November 20, 2000

EDWARD J. WEBMAN
PRIMARY EXAMINER
GROUP 1500